

## Message Text

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PAGE 01 TOKYO 15672 020819Z

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ACTION OES-05

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TO SECSTATE WASHDC PRIORITY 6424

AEC GERMANTOWN PRIORITY

UNCLAS TOKYO 15672

E.O. 11652: N/A

TAGS: TECH, JA, US

SUBJECT: ABCC

1. FONOFF AND MHW HAVE INFORMED EMBOFFS THAT, AS RESULT  
DECISION TO ALLOW ABCC EMPLOYEES TO TRANSFER TO NEW INSTITUTE  
WITHOUT INTERRUPTION OF RETIREMENT BENEFITS, JNII EMPLOYEES  
HAVE PROTESTED EARLIER GOJ DECISION TO REQUIRE THEM TO ACCEPT  
TERMINATION ALLOWANCE UPON TRANSFER. AS CONSEQUENCE, GOJ HAS  
DECIDED TO OFFER JNII EMPLOYEES WHO TRANSFER TO NEW INSTITUTE  
OPTION OF SIMILAR RETIREMENT ARRANGEMENT BEING OFFERED TO  
ABCC EMPLOYEES. HOWEVER, SINCE GOJ LEGALLY MUST PAY RETIREMENT  
ALLOWANCE TO FORMER JNII EMPLOYEES WHO TRANSFER UPON TERMINA-  
TION OF THEIR GOVERNMENT EMPLOYMENT, MECHANISM WILL BE FOR JNII  
EMPLOYEES WHO WISH TO RETAIN RETIREMENT BENEFITS TO DEPOSIT  
THEIR ALLOWANCES WITH THE NEW INSTITUTE WHICH WILL ESTABLISH  
TRUST FUND TO COVER FUTURE PAYMENTS. AS IN CASE OF AGREED  
ARRANGEMENTS FOR ABCC EMPLOYEES, FUND (I.E., GOJ) WILL BE  
COMPLETELY RESPONSIBLE FOR PAYMENT OF APRIL 1, 1975 LIABILITY,  
WHILE EARNINGS FROM FUND WILL BE APPLIED TO ANY INCREASE IN  
THAT LIABILITY RESULTING FROM WAGE INCREASES. US AND JAPAN  
WILL SHARE JOINTLY TERMINATION LIABILITY FOR INSTITUTE SERVICE,  
AND ANY DEFICIT IN LIABILITY FOR PRIOR SERVICE AFTER APPLICATION  
OF TRUST FUND AND EARNINGS. NO JNII EMPLOYEE CURRENTLY AT ABCC  
HAS PRIOR NON-ABCC-RELATED JNII EMPLOYMENT. THEREFORE, QUESTION  
OF LIABILITY FOR SUCH SERVICE DOES NOT ARISE.

2. NEW APPROACH WILL REQUIRE ADDITION OF NEW SUBPARAGRAPH (3)  
TO PARAGRAPH 1 OF MINUTES. (EMBASSY TRANSLATION OF JAPANESE  
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PAGE 02 TOKYO 15672 020819Z

TEXT):

(3) PARAGRAPH 3 (A) OF THE RECORD OF DISCUSSIONS SHOULD BE INTERPRETED AS FOLLOWS WITH REGARD TO THE RETIREMENT ALLOWANCES FOR THOSE JNIIH STAFF WHO ARE TRANSFERRED TO THE FOUNDATION:

(A) WHILE THE PRESENT JNIIH EMPLOYEES ARE TO RECEIVE FROM THE JAPANESE GOVERNMENT ON APRIL 1, 1975 THE TERMINATION ALLOWANCES OWED TO THEM UP UNTIL THAT DATE, THEY WILL BE GIVEN OPTION TO RECEIVE THE TERMINATION ALLOWANCES COVERING BOTH THE PERIOD OF TIME DURING WHICH THEY WERE EMPLOYED BY JNIIH AND THAT DURING WHICH THEY WERE EMPLOYED BY THE FOUNDATION, ON CONDITION THAT THE ENTIRE SUM OF THE TERMINATION ALLOWANCES IS ENTRUSTED TO THE FOUNDATION'S MANAGEMENT AT THE TIME OF THE PAYMENT OF THE TERMINATION ALLOWANCES.

(B) THE TERMINATION ALLOWANCES ENTRUSTED TO THE FOUNDATION'S MANAGEMENT IN ACCORDANCE WITH THE ABOVE PROVISION WILL BE MANAGED BY THE FOUNDATION AS THE TERMINATION ALLOWANCE RESERVE, AND THE FOUNDATION WILL MAKE A REPORT TO THE JAPANESE AND THE U.S. GOVERNMENTS ONCE EVERY YEAR ON THE STATE OF THE RESERVE AND THE PROFITS ACCRUING TO IT.

(C) THE TERMINATION ALLOWANCES FOR THOSE WHO HAVE EXERCIZED THE OPTION AS MENTIONED IN (A) AND RETIRE AFTER APRIL 1, 1975 WILL BE HANDLED AS FOLLOWS:

1. THE PORTION OF THE RETIREMENT ALLOWANCES TO THE CALCULATED ACCORDING TO THE PROVISIONS OF THE LAW FOR RETIREMENT ALLOWANCES FOR NATIONAL PUBLIC SERVANTS IN JAPAN FOR THE PERIOD UP TO MARCH 31, 1974 DURING WHICH THEY WERE UNDER THE EMPLOYMENT OF JNIIH WILL BE DISBURSED OUT OF THE TERMINATION ALLOWANCE RESERVE MENTIONED IN (B).

2. THE PORTION TO BE CALCULATED ACCORDING TO THE REGULATIONS ON TERMINATION ALLOWANCES OF THE FOUNDATION FOR THE PERIOD FOLLOWING APRIL 1, 1975 DURING WHICH THEY WERE UNDER THE EMPLOYMENT OF THE FOUNDATION WILL BE SHARED EQUALLY BY THE JAPANESE AND THE US GOVERNMENTS.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 TOKYO 15672 020819Z

3. THE REMAINDER OF THE TERMINATION ALLOWANCES FOR EMPLOYEES WILL BE SHARED EQUALLY BY THE JAPANESE AND THE U.S. GOVERNMENTS AFTER THE PROFITS ACCRUING FROM THE TERMINATION ALLOWANCE RESERVE HAVE BEEN USED.

3. MHW OFFICIALS CONSIDER IT MOST IMPORTANT TO PRESENT THIS PROPOSAL TO JNIIH EMPLOYEES AT ABCC DURING A VISIT ON DECEMBER 4.

THEY THEREFORE URGENTLY REQUEST US CONCURRENCE PRIOR TO COB  
DECEMBER 3, TOKYO TIME. SINCE ARRANGEMENT IS COMPLETELY  
ANALOGOUS TO THAT FOR ABCC EMPLOYEES, EMBASSY RECOMMENDS  
ACCEPTANCE.  
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